

**Amendments to the Drawings:**

The attached sheet of drawing includes a change to Fig. 4. This sheet, which includes Figs. 3 and 4, replaces the original sheet including Figs. 3 and 4. In Fig. 4, an inadvertently added reference number 224 has been deleted.

Attachment: Replacement Sheet

Annotated Sheet Showing Changes

## REMARKS

Claims 1 to 21, 23, and 24 were pending when last examined. Applicant has amended claims 1, 2, 4, and 23. Claims 1 to 21, 23, and 24 remain pending.

### Amendments to the Specification

Applicant has amended the specification to remove typographical errors. The amendments are supported by the originally filed disclosure. In particular, amendments to paragraph [0033] is supported by the originally filed Fig. 5 and amendment to paragraph [0040] is supported by the originally filed Fig. 10.

### Amendments to the Drawings

Applicant has amended Fig. 4 to delete an inadvertently added reference number 224. Reference number 224 is correctly illustrated in the originally filed Fig. 5.

### § 102 Rejections

The Examiner rejected claims 1, 6, 9, 10, 13, and 18 under 35 U.S.C. §102. Applicant respectfully traverses.

The Examiner rejected claim 1 using three references. Citing U.S. Pat. App. Pub. No. 2005/0047656 (“Luo”), the Examiner found that “Lou teaches that the pixel redness is calculated as  $R = (\alpha \cdot g + \beta \cdot g + \gamma \cdot b) / (r + g + d + d)$ ” and “[i]t is inherent that the divisor  $(r + g + b + d)$  represents the luminance of the pixel and the value of  $d$  is increased according to the brightness of the pixel.” April 28, 2009 Action, p. 3. However, Lou does not define a luminance value as  $(r + g + b + d)$ . Furthermore, Applicant is not aware of any reference that defines the luminance value as such. To clarify the claimed invention, Applicant has amended claim 1 to recite a luminance value that is “a weighted sum of the red, the green, and the blue color values of the pixel,” which is not disclosed by Lou.

Citing U.S. Pat. No. 6,292,574 (“Schildkraut et al.”), the Examiner found that col. 9, lines 12 to 59 of Schildkraut et al. teaches a pixel redness measure of a pixel based on red, green, and blue color values and a luminance value of the pixel. Schildkraut et al. discloses a score  $P_{\text{color}}$  related to the color of a candidate redeye pixel. However,  $P_{\text{color}}$  does not depend on red, green, and blue color values of the candidate redeye pixels;  $P_{\text{color}}$  only depends on luminance, hue, and saturation values of the candidate redeye pixels. Schildkraut et al., col. 9, line 45. Furthermore, Schildkraut et al.

discloses a luminance value that is equal to the sum of the maximum and the minimum of the red, green, and blue color values divided by two:  $\text{Max}(r, g, b) + \text{Min}(r, g, b)/2$ . Amended claim 1 now recites a luminance value that is “a weighted sum of the red, the green, and the blue color values of the pixel,” which is different than the definition provided by Schildkraut et al.

Citing U.S. Pat. App. Pub. No. 2003/0202105 (“Gaubatz et al.”), the Examiner found that paragraphs 45 to 49 of Gaubatz et al. teaches a pixel redness measure of a pixel based on red, green, and blue color values and a luminance value of the pixel. However, Gaubatz et al. discloses two separate redness measures for two separate color spaces; Gaubatz et al. discloses one redness measure for the RGB color space and another redness measure for the YUV color space. Gaubatz does not disclose a single redness measures that depend both on the color and the luminance values as recited in amended claim 1.

For the above reasons, claim 1 is patentable over Lou, Schildkraut et al., and Gaubatz et al.

Claims 6, 9, 10, 13, and 18 depend from claim 1 and are patentable over the cited references for at least the same reasons as claim 1.

#### Allowable Subject Matter

The Examiner indicated that claims 2 to 5, 7, 8, 11, 12, 14 to 17, and 19 to 21 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

Applicant has amended claim 2 as suggested by the Examiner. Accordingly, amended claim 2 is now in condition for allowance. Claims 3 to 5 depend from amended claim 2 so they are also now in condition for allowance.

Applicant has not amended claims 7, 8, 11, 12, 14 to 17, and 19 to 21 because Applicant believes their independent claim to be patentable over the cited reference.

Claims 23 and 24 have been allowed. Applicant has amended claim 23 to clarify the claimed subject matter.

#### Summary

In summary, claims 1 to 21, 23, and 24 were pending in the above-identified application when last examined. Applicant has amended claims 1, 2, 4, and 23. For the above reasons, Applicant respectfully requests the Examiner to withdraw the claim objections and rejections and allow claims 1 to 21, 23, and 24. Should the Examiner have any questions, please call the undersigned at (408) 382-0480.

I hereby certify that this correspondence is being mailed transmitted prior to expiration of the set period of time by being transmitted via the Office electronic filing system in accordance with § 1.6(a) (4).

/David C Hsia/  
Signature

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Date

Respectfully submitted,

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